

"(1)(A) the defendant in the action violated section 401(b) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of migrant or seasonal agricultural workers while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) and the defendant had actual knowledge of the driver's condition, and

"(B) such violation resulted in injury to or death of the migrant or seasonal worker by or for whom the action was brought and such injury or death arose out of and in the course of employment as determined under the State workers' compensation law,

"(2)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b) which the defendant was determined in a previous judicial or administrative proceeding to have violated, and

"(B) such safety violation resulted in an injury or death described in paragraph (1)(B),

"(3)(A)(i) the defendant willfully disabled or removed a safety device prescribed by the Secretary under section 401(b), or

"(ii) the defendant in conscious disregard of the requirements of section 401(b) failed to provide a safety device required under such section, and

"(B) such disablement, removal, or failure to provide a safety device resulted in an injury or death described in paragraph (1)(B), or

"(4)(A) the defendant violated a safety standard prescribed by the Secretary under section 401(b),

"(B) such safety violation resulted in an injury or death described in paragraph (1)(B), and

"(C) the defendant at the time of the violation of section 401(b) also was—

"(i) an unregistered farm labor contractor in violation of section 101(a), or

"(ii) a person who utilized the services of a farm labor contractor of the type specified in clause (i) without taking reasonable steps to determine that the farm labor contractor possessed a valid certificate of registration authorizing the performance of the farm labor contracting activities which the contractor was requested by or permitted to perform with the knowledge of such person,

the court shall award not more than \$10,000 per plaintiff per violation with respect to whom the court made the finding described in paragraph (1), (2), (3), or (4), except that multiple infractions of a single provision of this Act shall constitute only one violation for purposes of determining the amount of statutory damages due to a plaintiff under this subsection and in the case of a class action, the court shall award not more than the lesser of up to \$10,000 per plaintiff or up to \$500,000 for all plaintiffs in such class action."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all cases in which a final judgment has not been entered.

SEC. 3. TOLLING OF STATUTE OF LIMITATIONS.

Section 504 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1854), as amended by section 2, is amended by adding after subsection (e) the following:

"(f) If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of a migrant or seasonal agricultural worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (a) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for other actual damages,

statutory damages, or equitable relief arising out of the same transaction or occurrence as the injury or death of the migrant or seasonal agricultural worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law."

SEC. 4. DISCLOSURE OF WORKERS' COMPENSATION COVERAGE.

(a) MIGRANT WORKERS.—Section 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding after paragraph (7) the following:

"(8) whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

Compliance with the disclosure requirement of paragraph (8) for a migrant agricultural worker may be met if such worker is given a photocopy of any notice regarding workers' compensation insurance required by law of the State in which such worker is employed. Such worker shall be given such disclosure at the time of recruitment or if sufficient information is unavailable at that time, at the earliest practicable time but in no event later than the commencement of work."

(b) SEASONAL WORKERS.—Section 301(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1831(a)(1)) is amended by striking "and" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting "; and", and by adding after subparagraph (G) the following:

"(H) whether State workers' compensation insurance is provided, and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

Compliance with the disclosure requirement of subparagraph (H) may be met if such worker is given, upon request, a photocopy of any notice regarding workers' compensation insurance required by law of the State in which such worker is employed."

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect upon the expiration of 90 days after the date final regulations are issued by the Secretary of Labor to implement such amendments.

SEC. 5. LIABILITY INSURANCE.

(a) AMENDMENT.—Section 401(b)(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)(3)) is amended to read as follows:

"(3) The level of insurance required under paragraph (1)(C) shall be determined by the Secretary considering at least the factors set forth in paragraph (2)(B) and similar farm-worker transportation requirements under State law."

(b) REGULATIONS.—Within 180 days of the date of the enactment of this Act, the Secretary of Labor shall promulgate regulations establishing insurance levels under section 401(b)(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)(3)) as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the expiration of 180 days after the date of enactment of this Act or upon the issuance of final regulations under subsection (b), whichever occurs first.

TRIBUTE TO DR. FRANCIS A. HIGGINS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished educator and a friend for many years, Dr. Francis A. Higgins, retired superintendent of the L'Anse Creuse Public Schools in Macomb County, MI.

This Sunday, October 15, 1995, the people of L'Anse Creuse Public Schools will honor Dr. Higgins by proudly naming their newest facility the Francis A. Higgins Elementary School. Higgins elementary is now accommodating 700 kindergarten through fifth grade students.

I have known Dr. Higgins for many years and he richly deserves the honor that will be bestowed upon him. For 15 years, Frank Higgins' leadership made L'Anse Creuse a model school district that has been emulated throughout the county and State. He championed educational methods and programs that benefited students of all ages while instilling a sense of pride and commitment from all who worked with him.

In 1979, when Frank first assumed his role as superintendent, the school district faced severe financial difficulties and declining enrollment. Today, the L'Anse Creuse Public School District is an excellent school system where many parents choose to buy homes. And, it is in excellent financial shape.

While Dr. Higgins deserves much credit for the district's successes, he is first to acknowledge the role of the staff and a community that supported millages during difficult economic times. However, when one becomes familiar with Dr. Higgins' administrative and educational talents, it is easy to see why he received such support. His success at educating students and inspiring a desire to learn is only surpassed by his success at fostering support for education.

As the L'Anse Creuse Public Schools prepare to honor Dr. Higgins this weekend, I urge my colleagues to join with me and thank him for his many years of devoted service. I know he is proud to be immortalized by the community he so faithfully served for many years.

UPHOLDING THE AMERICAN DREAM IN CLEVELAND

HON. MARTIN R. HOKE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 13, 1995

Mr. HOKE. Mr. Speaker, I want to take a few minutes out of our hectic legislative schedule to congratulate several families in my district that are overcoming the odds and making their dreams come true. I also want to salute the Cleveland Housing Network, which helped make those dreams a reality.

For 13 years the Cleveland Housing Network [CHN] has been helping Clevelanders buy their own homes. The network's lease-purchase program is especially noteworthy since it offers stable, decent, and affordable housing—with the ultimate goal of homeownership—to families currently living in poverty. And it is widely recognized that homeownership stabilizes neighborhoods and unites